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**PATENT**

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF : Tartaglia  
FOR : **SURGICAL MARKER**  
SERIAL NO. : 10/657,889  
FILED : September 9, 2003  
ART UNIT : 3739  
ATTORNEY DOCKET NO. : DERZ 2 00001

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, Applicant submits the following Disclosure Statement concerning art of which the Applicant is aware. A copy of PTO-1449 is enclosed herewith.

This Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein or submitted herewith is "prior art" for this invention unless specifically designated as such.

In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

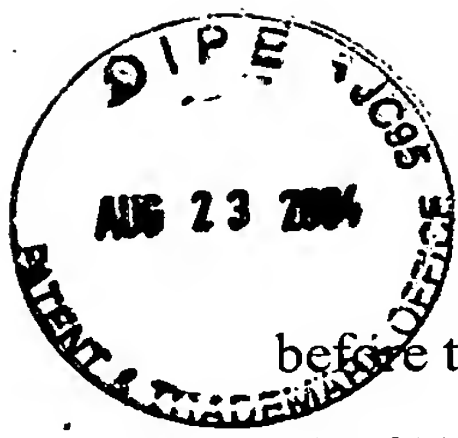
Under § 1.98(a)(3), no concise explanation of relevance is required for information that is in the English language.

5,496,304 - Chasan  
5,713,890 - Chasan  
5,988,174 - Chasan  
5,909,978 - Giordano et al.  
6,197,034 - Gvozdic et al.

**CERTIFICATE OF MAILING**

I hereby certify that this **INFORMATION DISCLOSURE STATEMENT** is being deposited with the United States Postal Service as **FIRST CLASS MAIL** in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450, on 8/18/04.

By: George B. Sonntag  
George B. Sonntag



Under Rule 97(b)(3), this information disclosure statement is being filed before the mailing date of a first Office Action on the merits and accordingly no fee is necessary.

OG Notice August 5, 2003

The Office has waived the requirement under 37 CFR §1.98(a)(2)(i) that copies of cited U.S. patent documents be submitted in connection with all applications filed on or after June 30, 2003. As such, copies of the U.S. patent documents cited herein have not been included.

It is respectfully requested that the attached documents be considered and officially cited in examination of this application.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

Date: August 18, 2004

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Subst. Form PTO-1449

Atty. Docket No.: DERZ 2 00001

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APPLICANT'S(S) INFORMATION  
DISCLOSURE STATEMENT

Applicant(s): Tartaglia, Jr.

Filing Date: September 9, 2003

Group: 3739

U.S. PATENT DOCUMENTS

Initial*		Document No.	Date	Name	Class	Subcl.	Filing Date
	AA	5,496,304	05MR1996	Chasan			
	AB	5,713,890	03FE1998	Chasan			
	AC	5,988,174	23NO1999	Chasan			
	AD	5,909,978	08JE1999	Giordano et al.			
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	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Subcl.	Translation?
	AL						
	AM						
	AN						
	AO						
	AP						
	AQ						

OTHER ART

	AR	
	AS	
	AT	
	AU	

Examiner:

Date Considered:

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if in conformance and not considered. Include copy of this form with next communication to applicant.